

## LEGISLATIVE COMMITTEE REPORT

Chairman, Dr. David Hanson, called the Legislative Committee (Committee) to order at 10 a.m., Monday, March 10th. The Committee discussed current legislation and related congressional activities.

Language providing for a buyback program in the West Coast groundfish fishery was included in omnibus 2003 appropriations legislation (Exhibit H.3, Attachment 1, Sec. 212, page 70). The Legislative Committee continues to endorse the strong need for capacity reduction in the West Coast groundfish fishery. A buyback program, as provided for in legislation, could be a useful capacity reduction tool. The Legislative Committee requests information from National Marine Fisheries Service (NMFS) about the potential workload requirements on NMFS and the Pacific Fishery Management Council (Council) to develop and implement a buyback program. The Committee also requests information on the anticipated schedule for development and implementation.

The Legislative Committee reviewed Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) reauthorization bills. Given congressional workload, it is unlikely that major reauthorization of the Magnuson-Stevens Act will occur in 2003. Currently, there is no moratorium on development of individual fishing quota (IFQ) programs. The Legislative Committee notes that this provides the opportunity to the West Coast groundfish industry to initiate an IFQ program. Moreover, the Committee believes the Council should encourage the groundfish industry to initiate development of an IFQ program. Specific to reauthorization bill S. 482 (Exhibit H.3, Supplemental Attachment 4), the Committee notes the need for equity in development of fee-based management. That is, all sectors under a management system should be required to contribute fees to the system, not just those sectors under an IFQ program. Also, under a fee-based program, the Committee notes the need for clarity concerning which program costs are to be funded through the fee system. Finally, fees collected under a newly designed fee-based management system should be used to fund the new costs resulting from that program and not to cover existing management costs.

The Legislative Committee was requested by representatives of the albacore troll fishery to consider supporting efforts for legislation needed to implement provisions of the revised U.S./Canada albacore treaty. The Committee is generally supportive of legislative language included in a 2002 draft of Magnuson-Stevens Act reauthorization legislation developed by NMFS. If requested by a member of Congress, the Legislative Committee recommends the Council consider endorsing efforts to develop implementing legislation.

The Legislative Committee also discussed the NMFS announcement about their consideration of revising National Standard-1 guidelines (Exhibit H.3, Attachment 2). The Committee recommends the Council direct the Executive Director to write a letter in response to the NMFS request for comment. The draft comments developed by staff (attached) should be included in the response letter.

Lastly, the Legislative Committee discussed efforts to revise the Capital Construction Fund (CCF). Legislation is anticipated on this matter, but has yet to be introduced by Congress. Generally, the Legislative Committee endorses efforts to reduce capacity and over-capitalization in West Coast fisheries. A revised CCF could provide a means to reduce capacity and capital. The Committee will continue to monitor congressional activity on this issue.

The Committee commends staff for their work and recommends the Council direct staff to continue to track fisheries-related legislation and provide input to congressional staff, as appropriate.

PFMC  
03/13/02

Attachment

### **Draft Comments Regarding NMFS Consideration of Review of National Standard-1 Guidelines**

Generally, supportive of formal and inclusive consideration of whether National Standard-1 (NS-1) guidelines should be revised. As with any policy, periodic review provides opportunity to respond to new information, changes in thinking, or unforeseen consequences since the policy was developed and implemented.

NS-1 guidelines are not a perfect fit with many of the West Coast stocks declared overfished (e.g., darkblotched rockfish and bocaccio). The Council is striving to fully comprehend and account for extremely low productivity of certain West Coast stocks and the affects of unfavorable oceanographic and other environmental variables on recruitment.

It would be helpful to explore mechanisms for ensuring rebuilding plans are in accord with and adaptive to environmental and other variables. Strive to ensure successful rebuilding. Maintain emphasis on stock rebuilding, but factor in other considerations.

Regional Councils are on the front line implementing NS-1. Therefore, councils should be full and formal participants, especially tapping into the expertise of council Scientific and Statistical Committees (SSCs).

Specific areas of focus –

- Inclusion of adaptive management.
- Review of maximum sustainable yield concept in general.
- Uncertainty, risk, precaution – where and how are these concepts incorporated? into stock size estimation, status determination? into management process? How should levels of precaution be tied to life span, productivity, and short/long-term environmental conditions.
- Discontinuity of rebuilding time horizons – less than 10 years, 10 years, much greater than 10 years. Choices among these time horizons depend on very fine distinctions in current biomass, unfished biomass, etc. Deriving point estimates of these values can be very difficult.
- Under data poor situations, current guidance for determining stock status (e.g., Restrepo *et al.*) can result in very constraining (i.e., precautionary) management, which causes significant economic impacts to the fishery. Given limited scientific and economic information, how should precautionary management be balanced against economic impacts.
- Will consult with our SSC and other advisory bodies for other specific NS-1 changes and concerns.